IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Bail Appl..No. 6237 of 2007()

CRIME NO.907/04 OF ATTINGAL POLICE STATION
CBCID CRIME NO.1/CR/S1/05 CFS UNIT, THIRUVANANTHAPURAM

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PETITIONER : 5TH ACCUSED:

MUHAMMED HUSSAIN ALIAS MUJEEB ,
NALUTHENGI VEEDU, ARATTUPUZHA,
KARTHIKAPPALLY TALUK.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)
SRI.A.R.DILEEP
SMT.KAVITHA GANGADHARAN

RESPONDENTS: STATE AND COMPLAINANT:

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1. STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. SUB INSPECTOR OF POLICE,
ATTINGAL POLICE STATION, ATTINGAL.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6237 of 2007

Dated this the 16th day of October, 2007

ORDER

Application for regular bail. The petitioner is the 5th accused. He faces allegations under Section 489 B & C I.P.C. No recovery of any counterfeit currency notes was effected from the petitioner. But the accused arrested earlier gave information and the chain ultimately reached the petitioner. Altogether there are 6 accused persons. The detection was made in December, 2004. The petitioner surrendered before the court on 30.07.07. He has been continuing in custody. Investigation is not complete.

2. The learned counsel for the petitioner submits that the petitioner is innocent. Absolutely no recovery has been effected from his possession. In these circumstances, the petitioner may be granted regular bail at least now, it is prayed.

3. The learned Public Prosecutor vehemently opposes the application. The learned Public Prosecutor submits that the petitioner is involved in yet another crime also though he has been enlarged on bail in such crime. Notwithstanding the fact that recovery of any counterfeit notes has not been effected from the petitioner, the fact may be noted that the interrogation of the other accused had led the police to realise the involvement of the petitioner in the crime. In a serious crime like this, the investigators may be given reasonable

further time to complete the investigation. The petitioner may not be enlarged on bail, it is submitted.

4. I have considered all the relevant inputs. The learned Public Prosecutor after discussion submits that the State has no objection in regular bail being granted to the petitioner after giving the investigator the full complement of 90 days to complete the investigation. I am satisfied that the petitioner can be granted regular bail subject to appropriate conditions.

5. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall not be released on the strength of this order prior to 30.10.2007. The Investigators shall in the meantime make every endeavour to complete the investigation.

ii) The petitioner shall execute a bond for Rs.2,00,000/- (Rupees Two lakhs only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

iii) Until the investigation is completed, the petitioner shall make himself available before the Investigating Officer between 10 a.m and 12 noon on the first and third Mondays of all English Calendar months and also as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

rtr/-